

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HENRY PETERS AND PAMELA PETERS,

Plaintiffs,

v.

ALEXANDER DY,

Defendant.

Civ. Action No. 07-2210 (KSH)

ORDER

Katharine S. Hayden, U.S.D.J.

The Court is in receipt of a letter from plaintiff's attorney [D.E. 149] advising that the parties were unable to resolve their disputes before the Special Master appointed the Court [*see* D.E. 148], and requesting leave to file a motion for summary judgment. A review of the docket indicates that the Court has already denied a motion for summary judgment filed by defendant Dy because it found disputed factual issues exist between the parties. [D.E. 95, 121.] The parties' failure to achieve settlement to date, despite efforts by the District Court and the Special Master, strongly indicates that disputed matters still exist and further motion practice is unlikely to put the matter to rest. As such, the Court will set a firm date for a jury trial before the undersigned upon receipt from the parties of their joint proposed voir dire questions, joint proposed jury instructions, and joint proposed form of jury verdict as directed below.

IT IS on this 10th day of July, 2012,

ORDERED that

1. Plaintiff's request for leave to file a summary judgment motion is denied.
2. In preparation for trial, the parties are directed to submit the following **no later than**

Tuesday, August 7, 2012:

- a. **Joint** proposed jury voir dire;
 - b. **Joint** proposed verdict sheet;
 - c. **Joint** proposed jury instructions consistent with both the Third Circuit Model Civil Jury Instructions and the New Jersey Model Civil Jury Charges.
3. The Court will only entertain these documents as joint submissions. If there is a dispute between the parties as to the content of any of the foregoing documents, what the dispute is and how each side proposes it be resolved must be clearly delineated within the joint document.
4. Trial shall be set down by the Court upon receipt of the three joint documents. It is anticipated that each side shall have one-half day to present testimony and admit documentary evidence in accord with the rules of evidence.
5. All trial exhibits shall be pre-marked. Each party shall provide an Exhibit List to Senior Courtroom Deputy RoseMarie Guilloty no later than 10 days before trial.

Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.